

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

CNS INTERNATIONAL MINISTRIES,
INC.,

Plaintiff,

v.

ROBERT KNODELL,

Defendant.

No. 2:21-CV-65 RLW

ORDER

This matter is before the Court on Plaintiff CNS International Ministries, Inc.’s Response to the Court’s Show Cause Order of August 30, 2023. (ECF No. 89). After careful review, the Court finds that the recent changes to Chapter 210 of the Revised Statutes of Missouri do not render this action moot. Nevertheless, because the First Amended Complaint relies heavily upon a now-defunct version of Mo. Rev. Stat. § 210.493, an amended complaint is necessary. Thus, the Court will modify the Case Management Order and grant CNS thirty (30) days to file a Second Amended Complaint.

Accordingly,

IT IS HEREBY ORDERED that the following schedule shall apply in this case:

I. SCHEDULING PLAN

1. CNS shall file a Second Amended Complaint no later than **January 5, 2024**. The Second Amended Complaint shall rely solely upon the currently operative versions of the statutory and regulatory provisions at issue.

2. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and motions under *Daubert* must be filed by **March 5, 2024**. The time limits of Local Rules 4.01(B) and (C) apply to Rule 12 and *Daubert* motions. For summary judgment motions, opposition briefs shall be filed by **April 4, 2024**, or within 30 days of the filing of the motion, whichever is earlier; and any reply brief may be filed by **April 18, 2024**, or within 14 days of the

filing of the opposition, whichever is earlier. **Courtesy copies (including exhibits) of all motions to dismiss, for judgment on the pleadings, for summary judgment, and under *Daubert* shall be submitted to chambers either by mail or hand delivery. Courtesy copies must be printed on one side of the page only.**

The filing of a motion (including a discovery motion, motion for summary judgment, motion to dismiss, etc.) does not excuse the parties or their counsel from fully complying with this Order.

The parties are reminded that under Local Rule 4.01(D), “No party shall file any motion, memorandum, or brief which exceeds fifteen (15) numbered pages, exclusive of the Table of Contents, Table of Authorities, signature page, and attachments, without leave of Court.” **Neither party shall file more than one motion for summary judgment.**

II. ORDER RELATING TO TRIAL

This action is set for a **NON-JURY** trial on **October 7, 2024**, at 9:00 a.m. This is a two-week docket.

In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty (20) days prior to the date set for trial:

1. **Stipulation**: Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

2. **Witnesses**:

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. **Exhibits**:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed. R. Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed. R. Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least ten (10) days prior to trial may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. At least ten (10) days before trial, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. Findings of Fact, Conclusions of Law and Trial Brief: Submit to the Court and to opposing counsel full, complete, and specific findings of fact and conclusions of law, together with a trial brief, citing authorities, in support of said party's legal theories and discussing any anticipated substantive or procedural problems.

6. Motions in Limine: File all motions in limine to exclude evidence at least twenty (20) days before trial. The Court will not consider any motion in limine unless it contains a statement that the movant's counsel has conferred in person or by telephone with opposing counsel in a good faith effort to resolve the dispute presented by the motion. Opposition to a motion in limine must be filed no later than five (5) days after the motion in limine is served.

7. Pretrial Compliance Materials: The parties shall mail or hand-deliver to chambers a paper working copy (courtesy copy) of all pretrial compliance materials including motions in limine. Courtesy copies must be printed on one side of the page only.

Failure to comply with any part of this Order may result in the imposition of sanctions. *See* Local Rule 5.04.

A handwritten signature in black ink that reads "Ronnie L. White". The signature is written in a cursive style with a horizontal line underneath it.

RONNIE L. WHITE

UNITED STATES DISTRICT JUDGE

Dated this 4th day of December, 2023.